

Remarks

This Amendment is in response to the Office Action dated **June 25, 2009**. The Office Action rejected claims 1-9, 10 and 12-23 under 35 USC § 102(e) over von Oepen (WO 98/35634 or US Pat. No. 6,193,747); and rejected claim 8 under 35 USC § 103(a) over von Oepen.

In light of the foregoing following comments, Applicant requests reconsideration.

Claim Rejections – 35 USC 102(e)

The Office Action rejected claims 1-9, 10 and 12-23 under 35 USC § 102(e) over von Oepen.

Independent claim 1 has been amended, thereby mooted the rejection. Applicant's amendment is not intended to be acquiescence as to the propriety of the rejection and its interpretation of Von Oepen.

As amended, claim 1 and its dependent claims require that each first expansion strut pair include a first expansion strut having a stair-step region at distal end thereof and a stair-step region at a proximal end thereof and that each second expansion strut pair include a second expansion strut having a stair-step region at distal end thereof and a stair-step region at a proximal end thereof. This feature is not present or suggested in Von Oepen. At least for this reason, Applicant requests withdrawal of the rejection.

Claim Rejections – 35 USC 103(a)

Claim 8 is rejected under 35 U.S.C. 103(a) as obvious over W098/35634 or US 6,193,747 81. Claim 8 depends from claim 1 and is patentable over the applied art at least for the reason discussed above with respect to claim 1. Applicant requests withdrawal of the rejection.

Conclusion

For at least the reasons presented above, Applicants submit that the application is in condition for allowance. Favorable consideration and early action to that effect are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to

place this application in better condition for allowance the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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